UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,607	10/30/2000	Kaushal Kurapati	US000256	6742

7590   11/10/2003

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EXAMINER
USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
2611	3

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 October 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: . .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference sign(s) not mentioned in the description:

Fig. 4 elements 450 and 460. A proposed drawing correction, corrected drawings, or

amendment to the specification to add the reference sign(s) in the description, are

required in reply to the Office action to avoid abandonment of the application. The

objection to the drawings will not be held in abeyance.

Specification

2.   The abstract is objected to because of the following informalities:

- The abstract exceeds the maximum word length of 150 words. Please

    revise the abstract's contents in order to meet the proper format of an

    abstract.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schein et al. (US006133909A) in view of Wehmeyer et al. (US005867226A).

Regarding claim 1, Schein et al. discloses a method where it searches an

available program guide or "obtaining a list of available programs" for programs that

meet the selection criteria of the user or "user query", upon a user command (See

column 11 lines 9-37). The user sets up the selection criteria, which allows the user to

select one or more "program attributes", which will be used for future searches, thus

making the selection criteria a "prior query" (See Fig. 9 and 10; column 11 lines 46-55).

The program guide is then updated to show programs that match the user's selection

criteria or "comparing attributes of said available programs ... to identify programs

satisfying said query" (See column 11 lines 29-45). However, Schein et al. lacks a

method where the "program attributes" are also maintained as "attribute-value pair".

Wehmeyer et al. discloses a predictive agent that lists "programs attributes" that

are of interest to the user and keeps a count of the number of times the user views

certain "program attributes" or "attribute-value pair" (See Fig. 2; column 2 lines 33-56).

The predictive agent uses this list to give the user a list of future programs that are of

interest. Therefore, it would have been obvious to one with ordinary skill in the art at the

time the invention was made to modify the selection criteria disclosed by Schein et al. to

include a count of the number of times a user views certain "program attributes" within

the selection criteria, as taught by Wehmeyer et al., in order to provide a more accurate

means of selecting programs that are of interest to the user.

Regarding claim 2, the method disclosed by Schein et al. in view of Wehmeyer et al. may be "preformed automatically" upon user command (See Schein et al. column 11 lines 31-37).

Regarding claim 3, Schein et al. discloses that the user can command the system through a remote controller (which may include buttons or "single button click") or a switch on the device or "single button click" (See column 11 lines 9-15).

Regarding claim 4, Schein et al. in view of Wehmeyer et al. discloses a selection criteria, as previously discussed in claim 1, that can search for more than one attribute or "attribute-value pair". The multiple attributes or "top-N search terms" are used to find programs that are of interest to the user. Furthermore, the selection criteria is used for future searches, making the multiple attributes be "previously used in a query..." (See Schein et al. Fig. 9 and 10; column 11 lines 9-65).

Regarding claim 5, Schein et al. also discloses that the program guide can be customized to show certain channel numbers or "default terms", thus only allowing the search to display programs that are on those certain channel numbers or "supercede said corresponding top-N search terms" (See column 4 lines 28-34).

Regarding claim 6, Schein et al. in view of Wehmeyer et al. updates or "increments" a count indicating the number of times the user views certain "attribute-value pair", as discussed in claim 1. The system checks or "decomposing" the predictive agent list or selection criteria or "attribute-value pair" to see it already exists, and increments a count if it does exist (See Wehmeyer et al. Fig. 2 and 3; column 2 lines 33-56).

Claim 7 contains the limitations of claim 1 (wherein the search preformed includes generating a selection criteria or "user query", which is also considered as "constructing a query") and is analyzed as previously discussed with respect to that claim. Furthermore, the selection criteria, which contains the "attribute-value pair", is used for future searches, thus make the selection criteria or "query" a "prior query".

Claim 8 contains the limitations of claims 2 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 9 contains the limitations of claims 3 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 10 contains the limitations of claims 4 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 5 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 12 contains the limitations of claims 6 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 7, 10, and 11 and is analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 8 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 9 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 11 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 12 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Schein et al. discloses that the method can be implemented on a computer system, which includes a "processor" and "memory" (See column 3 lines 19-35).

Claim 19 contains the limitations of claims 7 and 18 and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 13 and 18 and is analyzed as previously discussed with respect to those claims.

Claim 21 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Schein et al. discloses that the method can be stored on a CD ROM or "computer readable medium" as a computer program or "computer readable code" (See column 3 lines 50-63).

Claim 22 contains the limitations of claims 7 and 21 and is analyzed as previously discussed with respect to those claims.

Claim 23 contains the limitations of claims 13 and 21 and is analyzed as previously discussed with respect to those claims.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Maissel et al. (US006637029B1) for a similar method preformed by the intelligent agent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

JGU
October 30, 2003

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600